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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND BRANCH

UNITED STATES OF AMERICA,)	No. CR 09-00812 SBA
)	
Plaintiff,)	
)	
v.)	STIPULATION AND
)	ORDER TO CONTINUE STATUS
)	CONFERENCE TO DECEMBER 1,
MCCORL GILMORE, JR.,)	2009
aka Guy Leon McClay,)	
)	
)	
Defendant.)	

The above-captioned matter is set on November 3, 2009, before this Court for status conference. The parties request that this Court vacate that date and set this matter for status conference on December 1, 2009 at 9:00 a.m., and that the Court exclude time under the Speedy Trial Act between the date of this stipulation and December 1, 2009. The parties stipulate that the time is excludable from the time limitations of the Speedy Trial Act because the interests of justice are served by granting a continuance, pursuant to 18 U.S.C. § 3161(h)(8)(A).

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1 Such continuance is required because defense counsel needs time to meet with his
2 client and review newly-provided discovery, as well as research Gilmore's prior
3 convictions. For those prior federal cases, the documents are not available through Pacer,
4 due to their age, and need to be retrieved from the clerk's office. This continuance will
5 allow the reasonable time necessary for effective preparation, taking into account the
6 exercise of due diligence.

7 As such, the parties respectfully request that the time between October 26, 2009
8 and December 1, 2009 be excluded under U.S.C. § 3161(h)(8)(A).

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11 DATED: October 28, 2009

Respectfully submitted,

12 JOSEPH P. RUSSONIELLO
13 United States Attorney

14 /s/ Christina McCall
15 CHRISTINA McCALL
Assistant United States Attorney

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17 /s/ J. Frank McCabe
18 J. FRANK McCABE
Attorney for McCorl Gilmore, Jr.

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ORDER

Based on the reason provided in the stipulation of the parties above, the Court hereby FINDS that pursuant to 18 U.S.C. Sections 3161(h)(7)(A) and (B)(iv) an exclusion of time is warranted under the Speedy Trial Act on the grounds that the ends of justice are served by taking such action outweigh the best interest of the public and the defendant in a speedy trial in order to facilitate the effective preparation of and continuity of counsel, taking into account the exercise of due diligence. Based on these findings, IT IS HEREBY ORDERED THAT the hearing is continued until December 1, 2009 at 9:00 a.m., and time is excluded from October 27, 2009 until December 1, 2009.

IT IS SO ORDERED.

DATED:10/27/09


SAUNDRA BROWN ARMSTRONG
United States District Judge

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